

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

**IN RE: DOLLAR GENERAL CORP. MOTOR OIL
MARKETING AND SALES PRACTICES LITIGATION**

MDL No. 2709

**Master Case No.
16-02709-MD-W-GAF**

THIS PLEADING RELATES TO:

**ROBERT OREN V. DOLLAR GENERAL CORP., ET AL.;
ROBERTO VEGA V. DOLGENCORP, LLC;
ALLEN BROWN V. DOLLAR CORP., ET AL.;
BRADFORD BARFOOT V. DOLGENCORP, LLC;
GERARDO SOLIS V. DOLLAR GENERAL CORP., ET AL.;
NICHOLAS MEYER V. DOLLAR GENERAL CORP., ET AL.;
JOHN FOPPE V. DOLLAR GENERAL CORP., ET AL.;
JOHN MCCORMICK, III V. DOLGENCORP, LLC;
BRUCE GOOEL V. DOLGENCORP, LLC;
SCOTT SHEEHY V. DOLLAR GENERAL CORP., ET AL.;
JANINE HARVEY V. DOLLAR GENERAL CORP., ET AL.;
WILLIAM FLINN V. DOLGENCORP, LLC;
KEVIN GADSON V. DOLGENCORP, LLC;
MIRIAM FRUHLING V. DOLLAR GENERAL CORP., ET AL.;
ROBIN PREAS V. DOLLAR GENERAL CORP., ET AL.;
JAMES TASCHNER V. DOLLAR GENERAL CORP., ET AL.;
JASON WOOD, ET AL. V. DOLLAR GENERAL CORP., ET AL.;
BRANDON RAAB V. DOLGENCORP, LLC;
SEIT ALLA V. DOLGENCORP, LLC**

**Case No. 4:16-cv-00105
Case No. 4:16-cv-00518
Case No. 4:16-cv-00519
Case No. 4:16-cv-00520
Case No. 4:16-cv-00521
Case No. 4:16-cv-00522
Case No. 4:16-cv-00523
Case No. 4:16-cv-00524
Case No. 4:16-cv-00525
Case No. 4:16-cv-00526
Case No. 4:16-cv-00528
Case No. 4:16-cv-00529
Case No. 4:16-cv-00530
Case No. 4:16-cv-00531
Case No. 4:16-cv-00533
Case No. 4:16-cv-00606
Case No. 4:16-cv-00607
Case No. 4:16-cv-00868
Case No. 4:17-cv-00413**

**ORDER GRANTING PLAINTIFFS' MOTION FOR
REASONABLE ATTORNEYS' FEES, COSTS, LITIGATION EXPENSES,
AND CLASS REPRESENTATIVE SERVICE AWARDS [DOC. 265]**

Before the Court is Plaintiffs' Motion for Reasonable Attorneys' Fees, Costs, Litigation Expenses, and Class Representative Service Awards [Doc. 265].

The Court, having considered all papers filed and arguments presented, pursuant to Rule 23 of the Federal Rules of Civil Procedure, IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. The Court has considered the submissions by the Parties and all other relevant factors, including the result achieved and the efforts of Class Counsel in prosecuting the claims on behalf of the Class.

2. The Court notes that the Settlement Agreement and the Notice to the Settlement Class provides that Class Counsel may seek up to an amount not to exceed ten million dollars (\$10,000,000.00) as attorneys' fees, costs, and expenses and that this amount was negotiated with Defendants under the supervision of the mediator only after the Parties reached agreement on the other substantive terms of the Settlement.

3. Class Counsel moved for an award of \$10,000,000.00 for fees, costs, and expenses.

4. After carefully considering Class Counsel's application, the Court awards Class Counsel the full amount of \$10,000,000.00 as requested.

5. Factors supporting the Court's order granting Plaintiffs' Motion for Attorneys' Fees, Costs, and Expenses include:

- a. The time and labor expended by Class Counsel on behalf of the Settlement Class;
- b. The complexity and risks of the litigation;
- c. The results achieved in this Settlement, including both monetary and injunctive relief;
- d. The quality of the representation;
- e. The contingent nature of the fee;
- f. The reasonableness of the requested fee under both the percentage method and the lodestar cross check; and
- g. The value of the litigation to the public.

6. The Court has reviewed and considered Class Counsel's declarations in support of the Motion for fees and finds:

- a. The amount of hours expended by Class Counsel was reasonable in light of the litigation.

b. The hourly rate requested for each counsel was reasonable and the Court approves these rates.

7. Defendants do not object to the motion for attorneys' fees, costs and expenses.

8. The request for an award of attorneys' fees, expenses, costs and class representative service awards, the motion will be GRANTED.

9. The Court awards Class Counsel \$10,000,000.00 in attorneys' fees, costs, and expenses, to be paid by Defendants in accordance with and at the times prescribed by the Settlement Agreement. Class Counsel shall allocate the fee award among themselves according to their own agreement.

10. The Court finds the Plaintiffs served as adequate Class Representatives and performed work on behalf of the absent Settlement Class Members.

11. The Settlement Agreement and the Notice to the Settlement Class provides that Class Counsel may seek a lump sum amount of one hundred and thirty-five thousand dollars (\$135,000) as Service Awards to the Plaintiffs, to be allocated among the Plaintiffs by the Court.

12. Class Counsel has requested Service Awards to the Plaintiffs in the amount of \$135,000.00, to be divided equally among the twenty Plaintiffs, resulting in an individual Service Award for each Plaintiff/Class Representative in the amount of \$6,750.00.

13. The Court grants Class Counsel's request for Service Awards in the amount of \$6,750.00 each to Plaintiffs Robert Oren, Roberto Vega, Allen Brown, Bradford Barfoot, Gerardo Solis, Nicholas Meyer, John Foppe, John McCormick, Bruce Gooel, Scott Sheehy, Janine Harvey, William Flinn, Kevin Gadson, Miriam Fruhling, Robin Preas, James Taschner, Jason Wood, Robert Barrows, Brandon Raab, and Seit Alla. This amount shall be paid by Defendants in accordance with and at the times prescribed by the Settlement Agreement.

IT IS SO ORDERED.

s/ Gary A. Fenner
GARY A. FENNER, JUDGE
UNITED STATES DISTRICT COURT

DATED: June 22, 2021